

AMERICAN ARBITRATION ASSOCIATION

WILLIAM SNYDER AND SHIRLEY)	
SNYDER,)	Case No. 01-22-0002-8877
<i>Claimants,</i>)	
)	RESPONDENT’S REPLY IN
vs.)	SUPPORT OF RULE 33 DISPOSITIVE
)	MOTION
WELLS FARGO BANK, N.A.,)	
<i>Respondent.</i>)	
_____)	

Respondent Wells Fargo Bank, N.A. files this Reply in Support of its Rule 33 Dispositive Motion responding to Claimants William Snyder and Shirley Snyders’ Response and Opposition to Respondent’s Dispositive Motion.

REPLY

Claimants wholly fail to address the merits of Wells Fargo’s Rule 33 Dispositive Motion. Rather, Claimants only re-state the arguments in their Motion for Leave to Amend Pleadings, wherein they request leave to amend their Statement of Claim “to cure alleged deficiencies claimed in Wells Fargo’s Motion to Dismiss.”¹ See Resp. at 1. Yet, Claimants fail to identify how their proposed amendment, if granted, would cure the unspecified “deficiencies.” On review of the proposed amendment, Claimants abandon the legal theory that forms the sole basis for their claims for negligence per se and breach of fiduciary duty—*i.e.* that Wells Fargo’s alleged breach of duties to report suspected financial exploitation under Chapter 281 of the Texas Finance Code is actionable in tort.

¹ Wells Fargo incorporates by reference its Response in Opposition to Claimants’ Motion for Leave to Amend Pleadings submitted contemporaneously herewith articulating why Claimants have failed to demonstrate good cause exists to grant leave to file an untimely amendment.

Claimants' lack of discussion as to the merits coupled with their proposed abandonment of the legal theory forming the sole basis for their claims can only be construed as a concession that Wells Fargo's Rule 33 Dispositive Motion disposes of their existing claims as a matter of law.

PRAYER

For these reasons, Wells Fargo requests that the Arbitrator deny Claimants leave to file an amended statement of claim and render a take-nothing award in its favor as to all claims alleged by Claimants against it.

Respectfully submitted,

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**ATTORNEYS FOR RESPONDENT
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on this the 25th day of April, 2023, as indicated below to the following and to each counsel of record:

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